

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gopalan	§	Group Art Unit: 3691
	§	
Serial No. 09/888,470	§	Examiner: Akintola, Olabode
	§	
Filed: June 25, 2001	§	Confirmation No.: 3831
	§	
For: Apparatus and Method for	§	Attorney Docket No.: AUS920010555US1
Providing Dual Number Access	§	
Electronic Wallet		

35525

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

REPLY BRIEF (37 C.F.R. 41.41)

This Reply Brief is submitted in response to the Examiner's Answer mailed on October 29, 2008.

No fees are believed to be required to file a Reply Brief. If any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

This Brief does NOT replace the Appeal Brief dated September 5, 2008. Rather, this Brief extends the arguments of the Appeal Brief and responds to the arguments raised by the Examiner's Answer. This Brief contains items under the following headings as suggested by M.P.E.P. § 1208 I:

- I. Status of Claims
- II. Ground of Rejection to be Reviewed on Appeal
- III. Argument

RESPONSE TO EXAMINER'S ANSWER

I. STATUS OF CLAIMS

A. Total number of Claims in Application:

The claims in this application are: 1- 17

B. Current Status of Claims:

1. Claims canceled: 1-16
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 17
4. Claims allowed: None
5. Claims rejected: 17
6. Claims objected to: None

C. Claims on Appeal

The claim on appeal is: 17

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. First Ground of Rejection

The rejection of claim 17 under 35 U.S.C. § 103(a) over Park et al, U.S. Publication No. 2001/0034725 (herein Park) in view of Armes et al., U.S. Publication No. 2001/0034720 (herein Armes). Final Office Action pp. 2-4; Examiner's Answer pp. 3-5.

B. Second Ground of Rejection

The rejection of claim 17 under 35 U.S.C. § 103(a) over Armes et al., U.S. Publication No. 2001/0034720 (herein Armes) in view of Shub et al., U.S. Patent No. 6,807,530 (herein Shub). Final Office Action pp. 4-6; Examiner's Answer pp. 6-7.

III. ARGUMENT

A. FIRST GROUND OF REJECTION

The rejection of claim 17 under 35 U.S.C. § 103(a) over Park et al., U.S. Publication No. 2001/0034725 (herein Park) in view of Armes et al., U.S. Publication No. 2001/0034720 (herein Armes). Final Office Action pp. 2-4; Examiner's Answer pp. 3-5.

The Examiner made two arguments in paragraph 10, "Response to Arguments," of the Examiner's Answer. Therefore, in addition to the arguments set forth in the Appellant's Brief, Appellant responds that Park and Armes, individually or in combination, do not disclose numbers that are part of a centralized personal data base's three number system.

First, the Examiner argues that Park does teach "responsive to the user creating the electronic wallet, the centralized personal data base generating a wallet number associated with the electronic wallet." (Examiner's Answer, page 7-9). Specifically, the Examiner points to the following section of Park, paragraph [0022]:

Next, the payment gateway server 30 accesses a financial system 40 of its affiliated financial company to transfer the information for application for car use (step a3) and gains the financial company's approval for card use and is provided with the identification number (card number) of the representative payment means from the financial system 40 (step a4).

The Examiner states that the "identification number or card number of the representative payment means that is provided in response to the creation of the electronic wallet is equivalent to the wallet number." Appellant submits that Park's identification number or card number is not the same as the wallet number of claim 17 because Park's identification number and card number are not part of a centralized personal data base's three number system and the electronic wallet is not created in a centralized personal data base.

Second, the Examiner further states that Armes teaches a "wallet number" at [0013]. Specifically, the Examiner states that "[a] cardholder is provided with a secondary number that is associated with a cardholder's primary account, and this transaction number is an equivalent to Appellant's 'wallet number.'" Appellant submits that Armes "secondary number" is not the same as the wallet number of claim 17 because Armes "secondary number" is not part of a centralized personal data base's three number system and the electronic wallet is not created in a centralized personal data base.

As set forth above, Appellant submits that the Examiner's arguments in regard to a "wallet number" do not take into account the role of the centralized personal data base's three number system. The centralized personal data base is set forth repeatedly in claim 17. Claim 17 recites the following:

17. A method of completing a financial transaction between a user having a payment account and a merchant having a merchant account, the method comprising:

a) the user logging on to *a centralized personal data base using a basic number and a primary number*, wherein the basic number is accessible by the user but not by the merchant;

b) the user *creating an electronic wallet in the centralized personal data base* by inputting a payment account number of the user's payment account to associate with the electronic wallet, a payment limit of the electronic wallet, and an expiration date of the electronic wallet;

c) responsive to the user creating the electronic wallet, *the centralized personal data base generating a wallet number* associated with the electronic wallet;

d) the user making a purchase from the merchant on a purchase date by sending the primary number and the wallet number to the merchant, wherein the purchase has a price;

e) the merchant *sending the primary number and the wallet number to the centralized personal data base*; and

f) the *centralized personal data base* determining whether the purchase is authorized by determining whether the purchase price exceeds the payment limit of the electronic wallet and whether the purchase date is after the expiration date, wherein the purchase is authorized when the purchase price does not exceed the payment limit and the purchase date is not after the expiration date;

g) responsive to determining that the purchase is authorized, *the centralized personal data base* debiting the user's payment account for the purchase price and crediting the merchant account.

The centralized personal data base is italicized to show that it appears throughout the claim and is central to the operation of the electronic wallet. The centralized personal data base is a defined term set forth as follows in the specification on page 8, line 16 to page 9, line 2:

As used herein, the term centralized personal data base (CPDB) means (1) a data base that may be accessed by a user having a basic and a primary number and also to any person to whom the user provides a primary and a secondary number, (2) a data base that can be accessed through the Internet from a centralized personal data base web site, and (3) that may be located in one storage area connected to one or more server computers that may be distributed in multiple storage areas each of which are connected to one or more server computers.

As a defined term, using the language “[a]s used herein, the term centralized personal data base means...,” claim 17’s “centralized personal data base” is construed as defined by the specification. Therefore, the electronic wallet is construed in accordance with the role of the centralized personal data base as repeatedly set forth in the claim. In addition, the specification explains the role of the basic, primary, and secondary numbers in using the electronic wallet on page 9, line 13 to the page 10, line 4.

The relationship of the wallet number to the dual number system disclosed in the CPDB patent application is that the wallet number is a special type of secondary number. Three types of numbers were used for access in the CPDB disclosure as shown in Table A.

Type	User	Merchant
Basic	Yes	No
Primary	Yes	Yes
Secondary	No	Yes

Table A

The user is the only person with a basic number, and therefore, although the primary number is used by both the user and those to whom the user desires to give access, the user is the only person who can access his or her account to change information. The secondary numbers are generated for those to whom access is to be given.

Therefore, Park and Armes, individually or in combination, do not disclose the cited elements because they do not disclose numbers that are part of a centralized personal data base’s three number system. Moreover, Park and Armes cannot be combined to form a centralized personal data base three number system.

B. SECOND GROUND OF REJECTION

Claim 17 was rejected under 35 U.S.C. 103(a) over U.S. Patent Application Publication No. 2001/0034720 (herein Armes) in view of U.S. Patent No. 6,607,530 (herein Shub). Final Office Action, pp. 2-4; Examiner's Answer pp. 6-7.

In the Appeal brief, Appellant set forth the argument that a combination of references with Shub would render the art unsuitable for its intended purpose. Specifically, Appellant stated:

Shub states the intended purpose for its invention is that, except for the customer, no party ever possesses all the information necessary to link the customer to the merchant. Shub 3:56-67. Shub also teaches its payment agency 102 generates the transaction private number (3:40-55) and that Shub's transaction private number is communicated by Shub's merchant to clearing house 104 (4:40-42). But Shub's transaction private number is not communicated by Shub's merchant to payment agency 102 because doing so would give payment agency 102 all the information necessary to link Shub's customer to Shub's merchant. Specifically, by receiving the transaction private number from the merchant, Shub's payment agency 102 would know both the customer and the merchant involved in the transaction since the payment agency 102 generated the transaction private number for the customer and received the transaction private number from the merchant. As such, the modification would allow Shub's payment agency 102 to link the customer to the merchant, contrary to Shub's intended purpose (*see* Shub 3:56-67) and render Shub's invention unsuitable for its intended purpose. (Appellant's Brief, Page 11-12).

In the Examiner's Answer, the Examiner disagreed and stated that Shub is cited for "teaching the concept of providing disparate numbers to a merchant such that the merchant confirms the transaction using said disparate numbers (see col. 8, lines 31-48; col. 10, lines 42-60)." (Examiner's Answer, pp. 9-10). However, the Examiner did not respond to the specific arguments made by Appellant. Appellant submits that claim 17 must be interpreted as a whole, and furthermore, as set forth above, claim 17 must be interpreted with the role of the centralized personal data base, a defined term.

CONCLUSION

As shown above, the Examiner has failed to state valid rejections against the claim. Therefore, Appellant requests that the Board of Patent Appeals and Interferences reverse the rejections. Additionally, Appellant requests that the Board direct the Examiner to allow the claim.

Respectfully submitted,

/Rudolf O. Siegesmund/

Rudolf O. Siegesmund
Reg. No. 37,720
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicant